IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 6003-M of 2005

DATE OF DECISION : 03.04.2007

Baldev Singh @ Dave singh Liddar

.... PETITIONER

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Ram Pal Sharma, Advocate,
for the petitioner.

Mr. N.S. Gill, AAG, Punjab.

The petitioner, who is proclaimed offender in case FIR No. 8 dated 11.1.1999 registered at Police Station Division No.4, Jalandhar under Sections 420, 467, 469, 471, 120-B IPC, and is still living in Canada, has filed this petition through his Advocate. In this petition under Section 482 of the Code of Criminal Procedure (hereinafter referred to as `the Code'), the petitioner is seeking quashing of the aforesaid FIR. In support of the averments made in the petition, affidavit of his Advocate has been filed.

2. In this case, allegation against the accused, including the petitioner is that they got sanctioned mutation of land in question in connivance with the revenue authorities on the basis of a forged and fabricated civil court decree. The petitioner was declared as proclaimed offender and he is not joining the proceedings in spite of having the knowledge of pendency of case against him. He is living abroad.

3. Counsel for the petitioner contended that mutation was rightly sanctioned by the revenue authorities in the year 1976 and there was no fraud played upon the authorities. He further submitted that in view of

Section 195 of the Code, the criminal proceedings could not have been initiated against the petitioner on the basis of complaint of a private person.

4. In the petition, no prayer has been made for setting aside the order of proclamation passed against the petitioner. Even copy of the order declaring him proclaimed offender has not been annexed.

5. In the written statement, it has been categorically stated that after following the procedure, the petitioner was declared proclaimed offender and till date, he has not joined the trial. It is stated that during investigation, it was established that copy of judgment and decree alleged to be passed by the civil court at Jalandhar, is not a true copy and the same is a forged copy. The petitioners have placed just copy of the judgment and that too is again manipulated copy. It is a fact that while getting the mutation sanctioned, a forged decree was placed before the authorities on the basis of which the mutation was got sanctioned.

6. After hearing counsel for the parties and in view of the aforesaid facts, I do not find any ground to interfere in this petition in exercise of the inherent powers of this Court under Section 482 of the Code for quashing the aforesaid FIR on the petition filed by the petitioner, who is still proclaimed offender. As per the investigation, a court decree was forged and then placed before the authorities for sanction of the mutation. In such circumstances, even the benefit of Section 195 of the Code will not be available to the petitioner.

7. Keeping in view the aforesaid facts and circumstances of the case, no case for quashing of FIR No. 8 dated 11.1.1999 registered at Police Station Division No.4, Jalandhar under Sections 420, 467, 469, 471, 120-B IPC, in exercise of the inherent powers of this Court under Section 482 of the Code is made out.

8. Dismissed.

April 03, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**